

Notice of Allowability

Application N .

09/734,477

Examiner

Steven D. Maki

Applicant(s)

GIROUX ET AL.

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10-18-04.
2. ☒ The allowed claim(s) is/are 1-15, 18-21 and 23-30.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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Examiner's Amendment

1) An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 26:

line 1 change "(Previously Presented; Allowed)" to --(Previously Presented)--

In claim 27:

line 1 change "(Previously Presented; Allowed)" to --(Previously Presented)--

In claim 28:

line 1 change "(Previously Presented; Allowed)" to --(Previously Presented)--

In claim 29:

line 1 change "(Previously Presented; Allowed)" to --(Previously Presented)--

In claim 30:

line 1 change "(Previously Presented; Allowed)" to --(Previously Presented)--

Change title to:

--TWO-PART, ROOM TEMPERATURE CURABLE EPOXY RESIN / (METH)
ACRYLATE COMPOSITIONS AND PROCESS FOR USING SAME TO BOND
SUBSTRATES--

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The changes for claims 26-30 correct an obvious informality (i.e. correct incorrect claim identifiers). See MPEP 1302.04. As to the change the title, see MPEP 606.01.

Reasons for Allowance

2) The following is an examiner's statement of reasons for allowance, which supplements applicant's arguments filed 10-18-04:

Although Frankel discloses using a mixture of metal acetylacetonates and BF₃-amine catalysts in a composition to give a balance of acrylic / epoxy crosslinking and epoxy homopolymerization (col. 12 lines 46-50), the composition is a one part composition having a normal curing temperature of 100 to 250°C instead of being a two-part room- temperature curable composition. Indeed, Frankel comments that the composition may be "...stored at normal room or ambient temperatures for a period of some months without undergoing gelation" (col. 2 lines 6-10).

Although Corley discloses that a two component system may be used (col. 6 lines 25-28) and describes chromium acetylacetonate as one of the optional curing accelerators, Corley teaches that the composition is heat curable instead of room temperature curable. Furthermore, Corley fails to teach a two-part room-temperature curable composition in which the second component comprises an epoxy resin harder and a catalyst comprising a transition metal complex and the specified accelerator described at lines 11-14 of claim 1.

As to claims 1-9, 13-15, 18-21 and 23-25, the prior art of record including Leo, Schuft, Frankel and Corley fails to suggests a **two-part room-temperature curable composition** comprising a second component comprising an epoxy resin harder and a

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catalyst comprising a transition metal complex and the specified accelerator described at lines 11-14 of claim 1 in combination with a first component comprising an epoxy resin and (meth)acrylate component and the composition having the remaining claimed characteristics.

As to claim 10, the prior art of record including Leo, Schuft, Frankel and Corley fails to suggest a **two-part room-temperature curable composition** comprising the specified adhesion promoter described between line 12 and seven lines from bottom of claim 10 in combination with a first component comprising an epoxy resin and (meth)acrylate component and a second component comprising an epoxy resin harder and a catalyst comprising a transition metal complex and the composition having the remaining claimed characteristics.

As to claims 11-12 and 26-30, the prior art of record including Leo, Schuft, Frankel and Corley fails to suggest a **two-part room-temperature curable composition** comprising a second component comprising a polyether amine-based epoxy resin harder and a catalyst comprising a transition metal complex in combination with a first component comprising an epoxy resin and (meth)acrylate component and the composition having the remaining claimed characteristics.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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3) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven D. Maki
January 4, 2005
January 5, 2005


STEVEN D. MAKI
PRIMARY EXAMINER
~~GROUP 1300~~
AV 1733
1-5-05